IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2685 OF 1995

Shri Kahum Rahimbaksha Mujawar, .. Petitioner
Vs
1. The State of Maharashtra & ors .. Respondents
S/Shri A.M.Joshi and S.D.Rayrikar, for the petitioner.
Mrs S.S.Bhende, AGP for respondent nos 1 to 4.
Mr S.S.Patwardhan, for respondent nos 5 & 6.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.
DATE : APRIL 28, 2006.
PC:

1. The petitioner prays for a limited relief of a direction to fix his salary in the pay scale of Rs.1400-2600 plus 125/- as special pay (on the basis of IVth Pay Commission).

2. He came to be appointed as an Assistant Teacher/Lecturer in the D-Ed College at Ekhatpur run by respondent no.5-society in the year 1984. He claims that after the IVth Pay Commission's recommendations have been accepted by the State Government for being made applicable to the Assistant Teachers in private schools, respondent nos 5 and 6 continued to deny him the said pay scale. The petitioner relies upon the provisions of Section 3 of the Maharashtra Employees of Private Schools (conditions of Service) Regulation Act,1977 and submits that the provisions of the same Act are applicable to all private schools in the State of Maharashtra whether grant-in-aid schools or non-grant-in-aid schools.

3. The Education officer, Secondary Zilla Parishad, Solapur (respondent no.4) has filed an affidavit-in-reply and submitted that D.Ed college run by respondent no.5-scoeity is unaided and in terms of the provisions of Section 3 of the MEPS Act, 1977 it is required to pay salary to all its teachers as per the pay scales fixed under the MEPS Act and the MEPS Rules, 1981 and as is changed from time to time by the State government. At the relevant time it was stated that the petitioner was entitled to draw the salary in the pay scale of Rs.1400-2600 and also the annual increments.

4. We, therefore, allow the petition partly and direct respondent nos 3 and 4 to ensure that in case the petitioner has not yet been paid his monthly salary in the prescribed pay scale as applicable to the aided schools he shall be paid the said benefit along with the arrears within a period of six months from today and on failure to do so the said respondents may proceed to withdraw the recognition granted to the college.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**